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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,023	08/22/2001	Mooi Choo Chuah	55	9197

7590 12/09/2005

Docket Administrator (Room 3J-219)  
Lucent Technologies Inc.  
101 Crawfords Corner Road  
Holmdel, NJ 07733-3030

EXAMINER
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PHUNKULH, BOB A

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <sup>u</sup>

09/935,023

Applicant(s)

CHUAH, MOOI CHOO

Examiner

Bob A. Phunkulh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,5-11,13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-8,11,13 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 10 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This communication is in response to applicant's 09/30/2005 amendment(s)/response(s) in the application of CHUAH for "RECONFIGURABLE WIRELESS COMMUNICATION ACCESS SYSTEM AND METHOD" filed 08/22/2001. The amendments/response to the claims have been entered. Claims 2-4, 9, 12, 14, have been canceled. No claims have been added. Claims 1, 5-8, 10-11, 13, 15-20 are now pending.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 5-8, 11, 13, 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by *Oom* (US 6,738,625).

Regarding claims 1 and 11, *Oom* discloses a method of providing access to a wireless communications system in which a plurality of nodes (RNCs and RBSs) in a first set establish wireless links with wireless units located in geographic proximity of the nodes, the method comprising the steps of:

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Receiving information characterizing usage level of nodes of a second set;

Using the information by a node of the first set to determine a first node of the second set with which to connect; and

Connecting the node of the first set with the first node of the second node (automatic radio base station (RBS) rehomomg from a first radio network controller (RNC) to a second RNC when the first RNC becomes overloaded and/or automatic resource sharing between/among RNCs when one RNC becomes overloaded base see col. 2 lines 45 to col. 3 line 27).

Regarding claims 5 and 13, *Oom* discloses using step uses the information characterizing usage levels of the nodes of the second set and information characterizing the node of the first set to determine a node of the second set with which to connect (automatic radio base station (RBS) rehomomg from a first radio network controller (RNC) to a second RNC when the first RNC becomes overloaded and/or automatic resource sharing between/among RNCs when one RNC becomes overloaded, abstract and col. 2 lines 45 to col. 3 line 27).

Regarding claims 6 and 15, *Oom* discloses wherein the sing step uses the information characterizing usage level of the node of the second set and information characterizing a wireless unit for which a connection is being established (If a first RNC is frequently and/or constantly experiencing an overcapacity condition, then an RBS of

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the RNC may be rehomed to a second RNC without operator intervention, see col. 2 lines 45-56).

Regarding claims 7 and 16, *Oom* discloses connecting a node of said first set with a first node of said second set (see figure 2, the RNCs are connected to each other).

Regarding claims 8 and 17, *Oom* discloses connecting the node of said first set with a first node of said second set for establishing a connection with a first wireless unit; and connecting said node of said first set with a second node of said second set for establishing a connection with a second wireless unit (connecting the RNCs each other and in communication with a wireless unit 120, see figure 2).

Regarding claim 18, *Oom* discloses the radio access system further adapted to connect a node of said first set with a first node of said second set for establishing a connection with a first wireless unit and to connect said node of said first set with a second node of said second set for establishing a connection with a second wireless unit (RBS 110 is adapted to connect with another RNC see figure 2).

Regarding claim 19, *Oom* discloses the RNC includes Overload measurement agent (OMA) for measuring the usage levels (see figure 2).

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***Allowable Subject Matter***

Claims 10 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**Any response to this action should be mailed to:**

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

(703) 872-9306, (for formal communications intended for entry)

**Or:**

The following address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, Hand Delivery, etc.) as follow:

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220 20<sup>th</sup> Street South  
Customer Window, Mail Stop \_\_\_\_\_  
Crystal Plaza Two, Lobby, R0om 1B03  
Arlington, VA 22202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571)**

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**272-3083.** The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Chau Nguyen**, can be reach on **(571) 272-3126**. The fax phone number for this group is **(703) 872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Bob A. Phunkulh**  
Primary Examiner  
TC 2600  
Art Unit 2661  
December 6, '2005

**BOB PHUNKULH**  
**PRIMARY EXAMINER**